

STATE HEALTH COUNCIL

August 16, 2011

A meeting of the State Health Council was called to order by Chairman Marlene Kouba at 9:00 a.m. on Tuesday, August 16, 2011 in AV Room 212 of the Judicial Wing, State Capitol, Bismarck, ND.

Members present:

Marlene Kouba, Regent, Chairman
Gordon Myerchin, Grand Forks, Vice Chairman
Howard Anderson, Turtle Lake
Hjalmer Carlson, Minot, *by teleconference*
Lee Larson, Leeds
Gary Riffe, Jamestown
Dennis Wolf, MD, Dickinson

Members absent:

Carmen Toman, Bismarck, Secretary
Jerry Jurena, Bismarck

Staff members present:

Terry L. Dwelle, State Health Officer
Darleen Bartz, Health Resources Section
Gary Garland, Office of Community Assistance
Londa Rodahl, Recording Secretary
Molly Sander, Division of Disease Control

Others present:

See ATTACHMENT A

Minutes

MR. RIFFE MOVED APPROVAL OF THE JUNE 2, 2011 MINUTES. SECOND BY DR. WOLF AND CARRIED.

Dental Loan Repayment Program

Gary Garland reported on a dentist in the loan repayment program who has completed two years and four months of her three-year commitment. Dr. Kristin Schoch, who practices at the Bridging the Dental Gap Clinic in Bismarck, has accepted a position with a local dentist who will retire in the next five years. Mr. Garland questioned how the Council wished to handle this situation since the law states the Council could make her repay the full \$60,000 or agree to a lesser measure for a breach of the loan repayment program contract.

Dr. Schoch was paid the \$60,000 during the 2-year period and plans to give one day a month to the Bridging the Dental Gap Clinic for the next eight months.

MR. ANDERSON MOVED THAT THE STATE HEALTH COUNCIL OFFERS DR. KRISTIN SCHOCH A SETTLEMENT WHERE SHE REPAYS A CALCULATED BALANCE BACK TO THE STATE OF NORTH DAKOTA, SHE AGREES TO CONTINUE TO SERVE MEDICAID PATIENTS, AND SHE AGREES TO CONTINUE TO SERVE ONE DAY A MONTH, THROUGH

THE 36TH MONTH OF THE CONTRACT, AT THE BRIDGING THE DENTAL GAP CLINIC, AND IF SHE CAN NOT ACCEPT THESE CONDITIONS, THAT SHE WILL REPAY THE \$60,000 IN RESTITUTION. SECOND BY MR. RIFFE.

The Chair requested a ROLL CALL vote and the motion CARRIED. Anderson, Carlson, Kouba, Larson, Riffe, and Wolf voted 'aye'. Myerchin abstained. There were no 'nay' votes. Jurena and Toman—absent.

Summary of Legislative Changes

Mr. Garland reviewed changes to North Dakota Century Code Title 43, Occupations and Professions, that resulted from the 2011 Legislative Session. He specifically pointed out changes to dentists, nurses, physicians and veterinarians as they pertain to the loan repayment programs for each specialty.

Midlevel Loan Repayment Applications

Mr. Garland presented the physician assistant loan repayment application for Jeffrey Hedlund, who is practicing in Oakes, ND. He is asking for \$30,000 (\$15,000 from Oakes and \$15,000 from the loan repayment program).

DR. WOLF MOVED APPROVAL OF THE LOAN REPAYMENT APPLICATION FOR JEFFREY HEDLUND, P.A., FOR \$30,000. SECOND BY MR. RIFFE.

The Chair requested a ROLL CALL vote and the motion CARRIED. Anderson, Carlson, Kouba, Larson, Myerchin, Riffe, and Wolf voted 'aye'. There were no 'nay' votes. Jurena and Toman—absent.

Mr. Garland presented Zachery Bjore's physician assistant loan repayment application. Mr. Bjore is practicing in Mayville, ND and is requesting \$30,000 (the Mayville hospital and the clinic will split the \$15,000, and \$15,000 from the loan repayment program).

DR. WOLF MOVED APPROVAL OF THE LOAN REPAYMENT APPLICATION FOR ZACHERY BJORE, P.A., FOR \$30,000. SECOND BY MR. MYERCHIN.

The Chair requested a ROLL CALL vote and the motion CARRIED. Anderson, Carlson, Kouba, Larson, Myerchin, Riffe, and Wolf voted 'aye'. There were no 'nay' votes. Jurena and Toman—absent.

Election of Officers

The following were elected for the next year: Marlene Kouba, chairman; Gordon Myerchin, vice chairman; and Carmen Toman, secretary.

Other Business

Molly Sander reported on an emergency rule change approval to be requested from the Governor's Office. Senate Bill 2376 passed during the 2011 Legislative Session which allows for health units to vaccinate insured children with federal- and state-provided vaccine. The issue is with NDAC 33-06-04-11, in that it limits the amount that health units can request for the administration fee for those children since they will be using state- and federally-supplied

vaccines. It limits the fee to \$13.90, which is the federal regional fee cap. It was not the intent of the legislation to limit the administration fee for those insured children. The proposed amendments will remove that limit for state- and federally-supplied vaccines and it will continue to be limited for only Vaccines For Children eligible children, which are Medicaid, American Indian, uninsured and underinsured.

With this proposed amendment, the health units will be able to bill their customary and usual charges, which insurance is currently reimbursing them. Blue Cross Blue Shield has said they are willing to reimburse the health units for their customary charges in the future. If for some reason insurance doesn't cover the full amount and the patient is unable to pay that administration fee, the health unit can't refuse to vaccinate that patient since they are using vaccine purchased off the federal contract.

MR. ANDERSON MOVED APPROVAL OF THE EMERGENCY RULE FOR THE VACCINE ADMINISTRATION FEE GOING TO THE GOVERNOR FOR HIS APPROVAL LETTER. SECOND BY MR. RIFFE AND CARRIED.

Health Care Bed Recommendations Report

Darleen Bartz distributed and reviewed the ATTACHMENT B documents as they pertain to the report the Health Council must submit to the Legislative Management Committee by July 1, 2012 concerning the moratorium on expansion of basic care and long-term care beds.

MR. ANDERSON MOVED THAT THE HEALTH DEPARTMENT ESTABLISH A TASK FORCE WITH THE DEPARTMENT OF HUMAN SERVICES TO GATHER THE INFORMATION NEEDED FOR THIS REPORT. SECOND BY MR. RIFFE.

MR. RIFFE AMENDED THE MOTION THAT THE TASK FORCE SHALL INCLUDE THE NECESSARY PARTNERS, ESPECIALLY THE ND LONG TERM CARE ASSOCIATION AND THE ND HOSPITAL ASSOCIATION. SECOND BY MR. MYERCHIN AND CARRIED.

VOTE ON THE MAIN MOTION CARRIED.

Gary Riffe, Howard Anderson, Dennis Wolf and Jerry Jurena will also serve on this task force.

The meeting adjourned at 11:05 a.m.

Marlene Kouba, Chairman